UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,663	08/06/2001	John C. New JR.	500767.01	1537

27076 7590 08/30/2006

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

EXAMINER	
SIDDIQI, MOHAMMAD A	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,663	NEW ET AL.	
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are presented for examination. Claims 31-34 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (6,449,719) (hereinafter Baker) in view of Safadi et al. (6,810,525) (hereinafter Safadi).

4. As per claim 1, Baker discloses a method for providing access to computer resources on a computer system, comprising:

initiating execution of a remote application manager component on the computer system (client can be controlled, 200, fig 2, col 5, lines 40-56; col 1, lines 56-67, col 2, lines 1-17, opening a connection and sending token

and user information step were accomplished prior to initiating execution of remote application manager);

under control of the remote application manager component (client can be controlled, 200, fig 2, col 5, lines 40-56),

decrypting at the computer system (decryption module, 160, fig 1) the token and authenticating a user of the computer system using authentication information stored in the token (col 5, lines 1-11);

verifying whether the user is authorized to use the requested computer resource using authorization information stored in the token (user verification, col 2, lines 1-17);

Baker fails to disclose generating a token containing encrypted user information including credit, authorization, and authentication information; initiating a request to open a computer resource stored on the computer system, the computer resource being encrypted; verifying whether the user has sufficient credit contained in the token to use the requested computer resource using credit information stored in the token; when the user is authenticated, authorized, and has sufficient credit, decrypting and opening the requested computer resource; monitoring the usage of the opened computer resource to determine whether the user has sufficient credit to continue using the computer resource; and providing a notification when the monitored usage of the opened computer resource has exceeded the credit.

However, Safadi discloses generating a token containing encrypted user information including credit, authorization, and authentication information (col 1, lines 65-67, col lines 1-5);

initiating a request to open a computer resource stored on the computer system, the computer resource being encrypted (col 2, lines 1-18);

verifying whether the user has sufficient credit contained (server for authentication, col 2, lines 47-55 and col 3, lines 10-17) in the token to use the requested computer resource using credit information stored in the token (entitled token may be generated, col 2, lines 48-63 and col 3, lines 10-17);

when the user is authenticated, authorized, and has sufficient credit (col 3, lines 10-17), decrypting and opening the requested computer resource (col 5, lines 13-27);

monitoring the usage of the opened computer resource to determine whether the user has sufficient credit to continue using the computer resource (access controller, col 6, lines 23-38); and

providing a notification when the monitored usage of the opened computer resource has exceeded the credit (credit entitlement and control of the purchasable service, col 5, lines 42-65). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine

the teachings of Baker and Safadi. The motivation would have been developing a system protect software/content provider companies revenue stream by using smart token technologies.

5. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses generating a token comprises collecting authentication, authorization, and credit information from the user and storing the information in respective fields in a binary file, and thereafter encrypting the binary file to generate the token (Data Encryption Standards, col 2, lines 48-63).

6. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses the token is stored on a smart card that the remote application module component accesses to retrieve and decrypt the token (subscriber terminal, col 2, lines 7-10).

7. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses initiating a request to open a computer resource comprises clicking on an application icon (110, fig 1, col 7, lines 29-41).

8. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses initiating execution of a remote application manager component occurs in response to initiating a request to open a computer resource (col 5, lines 1-10; lines 40-56).

9. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses the token and the computer resource have been encrypted using the public key encryption methodology (col 2, lines 53-55).

10. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses wherein the computer resource comprises an application module (col 5, lines 1-10, lines 40-56).

11. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses the application module comprises an entire executable application program that is stored in encrypted form on the computer system (col 4, lines 31-36; lines 44-67; col 5, lines 1-11).

12. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Baker discloses monitoring the usage of the opened

computer resource comprises monitoring how long the user has been using the computer resource (col 7, lines 42-54).

13. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Safadi discloses providing a notification when the monitored usage of the opened computer resource has exceeded the credit comprises displaying a visual message to the user instructing the user to save his work and indicating his credit has been depleted (absolute visibility, col 6, lines 60-65).

14. As per claim 11, the claim is rejected for the same reasons as claim 1, above.

15. As per claim 12, the claim is rejected for the same reasons as claim 3, above.

16. As per claim 13, the claim is rejected for the same reasons as claim 4, above.

17. As per claim 14, the claim is rejected for the same reasons as claim 6, above.

18. As per claim 15, the claim is rejected for the same reasons as claim 7, above.

19. As per claim 16, the claim is rejected for the same reasons as claim 8, above.

20. As per claim 17, the claim is rejected for the same reasons as claim 9, above.

21. As per claim 18, the claim is rejected for the same reasons as claim 10, above.

22. As per claim 19, the claim is rejected for the same reasons as claim 1, above.

23. As per claim 20, the claim is rejected for the same reasons as claim 2, above.

24. As per claim 21, the claim is rejected for the same reasons as claim 4, above.

25. As per claim 22, the claim is rejected for the same reasons as claim 6, above.

26. As per claim 23, the claim is rejected for the same reasons as claim 7, above.

27. As per claim 24, the claim is rejected for the same reasons as claim 8, above.

28. As per claim 25, the claim is rejected for the same reasons as claim 9, above.

29. As per claim 26, the claim is rejected for the same reasons as claim 10, above.

30. As per claim 27, the claim is rejected for the same reasons as claim 1, above.

31. As per claim 28, the claim is rejected for the same reasons as claim 27, above. In addition, Safadi discloses the request to initiate execution of a selected one of the computer resources comprises a request to initiate execution of a computer resource component not found on the client system, and the remote application manager component is further operable to contact a server system responsive to this request to initiate transfer of the selected computer resource component to the client system along with an updated token component including updated authorization information for the computer resource component (conditional access, col 4, lines 27-45).

32. As per claim 29, the claim is rejected for the same reasons as claim 27, above. In addition, Safadi discloses the remote application manager is further operable to contact a server system when the credit contained in the token component is insufficient to initially open or to continue executing the selected computer resource component to initiate transfer of an updated token component including updated credit information to the client system (col 4, lines 27-45 and col 5, lines 1-27).

33. As per claim 30, the claim is rejected for the same reasons as claim 27, above. In addition, Safadi discloses the token component comprises a smart card on which the token is stored and a card reader that is adapted to

read the token stored on the smart card and supply the read token to the remote application manager component (secure processor, col 6, lines 42-60).

Response to Arguments

34. Applicant's arguments filed 06/05/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1-30 is maintained.

35. In the remarks applicants argued that:

Argument: Baker does not disclose decrypting at the computer system the token and authenticating a user of the computer system using authentication information stored in the token.

Response: Baker discloses decrypting at the computer system (as packets are being received from the server, decrypted by the decryption module at the client, 160, fig 1, col 5, 1-29) the token and authenticating a user (user information to the streaming server thus , col 1, lines 65-67) of the computer system using authentication information stored in the token (valid user, col 1, lines 65-67- col 2, lines 1-17, col 5, lines 1-30);

Argument: Safadi and Baker do not teach decryption of the token in both broken-connection and continuous connection environment.

Response: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., decryption of the token in both broken-connection and continuous connection environment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100